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REMARKS

Claims 1 and 6 have been amended. Claims 1 – 6 are pending in this Application.

Reconsideration and further examination is respectfully requested.

Claims Rejections – 35 USC § 112

Claims 1 – 6 were rejected under 35 U.S.C. 112, 2nd paragraph, as indefinite. The Applicants have amended claims 1 and 6 in accordance with the suggestions in the Office Action to overcome this rejection.

Claims Rejections – 35 USC § 102

Claims 1 – 6 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0054767 A1 by Karaoguz et al. (hereinafter “Karaoguz”). This rejection is respectfully traversed.

The Applicants’ exemplary claim 1 sets forth:

“Apparatus in an access point in a wireless communications environment including multiple access points and stations, wherein stations gain network access by associating with one or more of the access points, comprising:
logic for keeping track of one or more parameters related to stations in the network;
logic for evaluating the one or more parameters to produce an evaluation; and
logic for causing a station to become associated with the access point based upon the evaluation in order to gain network access to communicate with other stations via the access point.”

In accordance with the Applicants’ invention, an access point evaluates parameters associated with stations in the network. This evaluation may be used by the access point to cause

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a station to associate with the access point so the station can now communicate on the network via the access point.

The Office Action contends that Karaoguz teaches “the access point can process the [parameter] information in a location information processor to determine the distance range of the customer’s wireless device (paragraph 0033) wherein the distance range later causes particular station association.” The Applicants respectfully assert that this does not teach or suggest the Applicants’ claimed invention.

The Applicants specifically refer to paragraph 0029 of Karaoguz. Here it is explained that access points can determine location information for a device. Karaoguz here specifically states “... once wireless coverage is provided for a particular device, and a communication session is established, the access point(s) providing such coverage can initiate the location information feature and can determine the location information of the wireless device.” Karaoguz then goes on to explain various ways in which location information can be determined. Karaoguz thus clearly states that a communication session must be established with a station before any location information can be gathered.

At paragraph 36 of Karaoguz, it is stated “Once the wireless device receives the range message signal, the wireless device can process the received range message signal. Furthermore, the wireless device can determine whether or not to further establish communication with the access point, and abort the request.” It is not known what is meant here by “further establish communication” since Karaoguz requires that a communication session be established with the device prior to location information determination. Furthermore, Karaoguz does not suggest that this “established communication” allows communication with other devices as the Applicants have claimed. No further information is provided by Karaoguz to indicate what may be meant by

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the "communication" mentioned in paragraph 0029. Karaoguz thus fails to specifically teach or suggest the Applicants' claimed "logic for causing a station to become associated with the access point based upon the evaluation in order to gain network access to communicate with other stations via the access point". The Applicants therefore respectfully assert that claims 1 – 5 are in condition for allowance. Claim 6 contains limitations similar to those of claim 1. The Applicants therefore respectfully assert that claim 1 is allowable for the same reasons as set forth with regard to claim 1.

Claims Rejections – 35 USC § 103

Claims 1 – 6 were rejected under 35 U.S.C. 103(a) as being obvious over Karaoguz. This rejection is respectfully traversed.

In order to establish a *prima facie* case of obviousness, the cited reference must teach or suggest all the claimed limitations. The Applicants respectfully assert that Karaoguz fails to do so. As explained above, Karaoguz fails to teach or suggest the Applicants' claimed invention including "logic for causing a station to become associated with the access point based upon the evaluation in order to gain network access to communicate with other stations via the access point". Therefore, The Applicants respectfully assert that claims 1 – 6 are in condition for allowance.

Double Patenting

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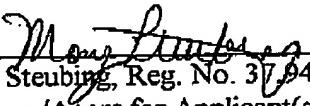
Claims 1 – 6 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 6 of copending Application No. 10/780,595. This rejection will be re-evaluated upon issuance of the claims in either application, and a terminal disclaimer filed if necessary.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


Mary Steubing, Reg. No. 37,946
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664

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